



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23672 of 2021

Sarthaj Begum

... Petitioner

Versus

State Rep by
The Deputy Superintendent of Police,
Villupuram Taluk Police Station,
Villupuram District
(Crime No. 1352 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of their arrest in Crime No.1352 of 2021 pending investigation on the file of the respondent police.

For petitioner : Mr.T.K.S.Bharathy Anandraj

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences Under Sections 294(b), 324, 506(ii) IPC, in Crime No.1352 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the petitioner and the petitioner is employed as a cashier in IOB bank. It is alleged that there was a matrimonial between the petitioner and the defacto complainant, due to which they attacked each other. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner submits that the petitioner is no way connected with the occurrence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the that this matter may be referred to Mediation Centre for amicable settlement.



5. Considering the facts and circumstances of the case and also considering that it is purely a family dispute, this Court is inclined to grant anticipatory bail to the petitioner and further the matter is referred to the Mediation and Conciliation Centre at Villupuram for the purpose of solving the issue between the first petitioner and the defacto complainant for three sittings.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the *Judicial Magistrate, Villupuram* on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall appear before the respondent as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala* [(2005) AIR SCW 5560]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

09/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1. THE JUDICIAL MAGISTRATE,
VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM DISTRICT. [FOR INFORMATION]

3 THE DEPUTY SUPERINTENDENT OF POLICE,
VILLUPURAM TALUK POLICE STATION,
VILLUPURAM DISTRICT.

4 THE OFFICER INCHARGE,
THE MEDIATION AND CONCILIATION CENTRE,
VILLUPURAM DISTRICT.

5 THE ASSISTANT REGISTRAR
TAMIL NADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. T.K.S.BHARATHY ANANDRAJ Advocate on payment of
necessary charges SR.NO.14437

CRL OP.23672/2021

Date :09/12/2021

CSK 16/12/2021